

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE

ROBERT SOKOLOVE, DAVID)
MCCARTHY, WILLIAM SHIELDS,)
and CITIZENS FOR REHOBOTH)
BEACH, a policial action)
committee,)
)
Plaintiffs,)
) Civil Action
v.) No. 05-514 (KAJ)
)
CITY OF REHOBOTH BEACH,)
DELAWARE, and GREGORY)
FERRESE, individually and)
as Manager of the City of)
Rehoboth Beach, Delaware,)
)
Defendants.)

30(b)(6) Deposition of CITY OF REHOBOTH BEACH,
taken through its corporate designee, DAVID F. MURPHY,
taken pursuant to notice at the offices of Century 21,
19606 Coastal Highway, Rehoboth Beach, Delaware,
beginning at 3:23 p.m., on Monday, July 25, 2005, before
Eleanor J. Schwandt, Registered Merit Reporter and Notary
Public.

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APPEARANCES:

SHAWN P. TUCKER, ESQ.

WOLF BLOCK SCHORR AND SOLIS-COHEN, LLP

1100 North Market Street, Suite 1001

Wilmington, Delaware 19801

for the Plaintiffs

WALTER W. SPEAKMAN, JR., ESQUIRE

BROWN SHIELDS BEAUREGARD & CHASANOV

108 East Water Street

Dover, Delaware 19901

for the Defendants



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1 DAVID F. MURPHY,
2 the witness herein, having first been
3 duly sworn on oath, was examined and
4 testified as follows:

5 EXAMINATION

6 BY MR. TUCKER:

7 Q. Mr. Murphy, have you ever been deposed before?

8 A. No.

9 Q. Has Mr. Speakman or Mr. Rhodunda just had an
10 opportunity to go over the deposition process?

11 A. A little bit.

12 Q. I'm going to be asking you some questions. Just
13 for time sake it will be easier if you let me finish my
14 question before you provide answers. It tends to be
15 human nature for people to start answering before.

16 A. Sure.

17 Q. In our earlier deposition we had a little
18 problem. For time purposes, if you could let me complete
19 my questions, I'll let you complete your answers.

20 Also, when it comes to probably any unusual
21 words or spellings, we will just pause and give those
22 spellings to the court reporters to make that a little
23 bit easier, as well to make things go more smoothly.

24 Have you ever testified in court before?



1 A. No.

2 Q. Your testimony today will be under oath. You
3 have just taken an oath by the court reporter. I just
4 wanted to remind you of the penalties for being
5 untruthful under oath. It is a felony under both state
6 law and federal law.

7 MR. SPEAKMAN: I'm going to object to that.
8 That's harassment. It is threatening; it is insulting.

9 BY MR. TUCKER:

10 Q. I'm going to state it on the record anyway. I'm
11 not trying to harass or insult people. I always, when I
12 do depositions, read what the penalties are for perjury
13 so folks understand how important and serious a
14 deposition is, and it is pretty standard practice in
15 Delaware.

16 The penalty under both state and federal law
17 is a felony. Under state law it is punishable up to five
18 years -- I'm sorry, I stand corrected. It is punishable
19 up to eight years. And under federal law it is
20 punishable up to five years. I'm pointing this out to
21 you, sir, only because I want you to understand how
22 important it is that you tell the truth here today.

23 What is your present title, Mr. Murphy, with
24 the City of Rehoboth Beach?



1 A. Building Inspector.

2 Q. How long have you had that job?

3 A. Going on about a year and a half now.

4 Q. And did you have a job with the City prior to
5 that?

6 A. Yes, I was building inspector for the City of
7 Milford for ten years.

8 Q. Who hired you with the City of Rehoboth Beach?

9 A. Greg Ferrese.

10 Q. Can you give us just a general idea of what your
11 job duties are?

12 A. My job duties are to supervise the Building and
13 Licensing Department.

14 Q. Does that include the supervision of Mr. Onizuk?

15 A. Mr. Onizuk, that is correct.

16 Q. And besides your supervisory duties, do you have
17 any other duties?

18 A. Planning and zoning.

19 Q. Okay. Do you manage that section as well?

20 A. Yes.

21 Q. And do you actually go out into the field
22 yourself on occasion?

23 A. On occasion.

24 Q. And regarding Mr. Onizuk, approximately how long



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1 has he worked for you?

2 A. Almost a year.

3 Q. What is his title?

4 A. He is the Code Enforcement Officer.

5 Q. How many code enforcement officers do you have?

6 A. One.

7 Q. That's him, right?

8 A. That is him.

9 Q. What kind of training, if any, did Mr. Onizuk go
10 through either prior to becoming your code enforcement
11 officer or after he became your code enforcement officer?

12 A. He trained under me.

13 Q. What does that training entail?

14 A. It entailed the rules and regulations of the City
15 of Rehoboth, learning the codes, learning proper
16 procedures.

17 Q. How did you go about training him, specifically?
18 Were there classes? Was he given a copy of the code
19 book? How did you do that?

20 A. He was given a copy of the code book.

21 Q. Anything else?

22 A. He was given instructions on how to go about
23 certain procedures. He was taking classes with the
24 police department as far as criminal summons writing.



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1 Q. Did he have any classes with the City regarding
2 the zoning code or the sign code contained within it?

3 A. Well, there really are no classes with the zoning
4 code, with the City.

5 Q. All right.

6 A. I mean basically anybody that comes on board will
7 go under their supervision, with the supervisor to learn
8 and be instructed how to do these things.

9 Q. Was there a period of time where you worked with
10 Mr. Onizuk regarding enforcement of the sign code, that
11 you can recall?

12 A. Oh, yes. We would go over, went over the sign
13 code because that was part of his job, is to enforce the
14 sign ordinances. And that's one of the important aspects
15 of code enforcement is to learn the different codes, and
16 the sign ordinance is a very important part of the code.
17 It is something that the City of Rehoboth is very careful
18 about enforcing. Make sure that everybody obeys the
19 guidelines in the sign code.

20 Q. Okay. Were these sit-down meetings with
21 Mr. Murphy where you sat down and discussed this?

22 A. In my office, yes.

23 Q. Do you recall approximately how many occasions
24 you had these discussions?



1 A. No, I don't remember that.

2 Q. More than one?

3 A. Oh, absolutely more than one. Probably more than
4 two.

5 Q. Is more than two about as far as we want to go
6 with that? Do you think it could be five, 10?

7 A. It could be more. I mean there is times when we
8 sit down every once in awhile and go over some things
9 that any of my officers aren't clear on. It is not that
10 we just sit down and have total classes on the subjects.
11 If an officer has a question, we will discuss the aspects
12 of the code and interpretation.

13 Q. Mr. Murphy, can you give us, if you can recall,
14 sort of a thumbnail sketch of what the scope of
15 Mr. Onizuk's training or classing was regarding
16 enforcement of the sign code?

17 A. Basically what I just told you. I mean, we would
18 sit down and we would go over the codes, make sure he
19 understands it. If he has any questions with it, he
20 comes back to me and discusses that and make sure he
21 understands the interpretation clearly. If we do not
22 have a clear definition of the interpretation, then we
23 contact the City attorney and get a clarification of the
24 interpretation.



1 And he is told that if he has questions
2 regarding interpretation and I'm not available, then he
3 can contact the City attorney.

4 Q. I apologize, I'm just trying to drill down into
5 that a little bit deeper regarding specifically what he
6 was taught the sign code meant and how it was to be
7 enforced. Maybe we will start with some different types
8 of signs and let me ask you some questions about that.

9 A. Mm-hmm.

10 Q. Regarding Mr. Onizuk's training in regards to
11 sign removal, was he provided a copy of the ordinance and
12 told to follow it? Or were there additional specific
13 policies and other information that were provided along
14 with that?

15 A. Well, every officer is given a copy of the code,
16 the entire City code. And he is also given sections of
17 the code that have been taken, excerpted out of the code
18 book, and they are to take those and hand those out to
19 anybody they come in contact with that have code
20 violations if they so request or have a question as far
21 as the certain ordinance that they are enforcing.

22 We have gone over several times with
23 different types of signs. Every day a question pops up
24 about a type of sign that may be in violation. We go



1 over those, make sure that we familiarize ourselves
2 with -- make sure that what we are seeing is exactly what
3 is in the code, make sure we are enforcing it properly.

4 Q. And beyond the code itself, was Mr. Onizuk ever
5 given any policies about the sign ordinance?

6 A. He was instructed not to take any signs off
7 private properties, and if he has any doubt as far as a
8 location of a sign, he was to bring it to my attention,
9 not to remove it until he brought it to my attention.
10 That's one thing my officers are instructed, if they have
11 a doubt about something, bring it to my attention and we
12 go around and look at it.

13 Most of the time that is the policy that is
14 followed. I try to leave my officers the benefit of the
15 doubt as far as to use their own judgment calls. That's
16 what they are being paid to do. I can't baby sit
17 everything, because they must be responsible for their
18 actions as far as making these calls. And I will -- I
19 back them if they say that they had a question about sign
20 location. And I have told them, I said, "If you have a
21 question about it, then, you know, we don't want to have
22 a problem -- we don't have a problem with it." Sometimes
23 you have to make a judgment call as far as placement,
24 size, location.



1 Q. Now, besides the fact that they are not supposed
2 to take private signs --

3 A. That's correct.

4 Q. -- and besides the fact that if there is some
5 question with that they are supposed to consult you, Mr.
6 Onizuk is supposed to consult with you?

7 A. That's correct.

8 MR. SPEAKMAN: Did you say in your question
9 "private signs"?

10 MR. TUCKER: Yes, that's what your witness
11 said.

12 MR. SPEAKMAN: I thought he said --

13 THE WITNESS: Private property.

14 MR. SPEAKMAN: -- private property.

15 THE WITNESS: Not private signs, private
16 property.

17 BY MR. TUCKER:

18 Q. Private property, okay. Besides those two things
19 you just articulated on the record, any other policies
20 that have been provided to Mr. Onizuk?

21 A. Regarding?

22 Q. Signs.

23 A. Signs. Basically, if in doubt, come back to me,
24 make sure that he understands that location of the signs,



1 if he has a question as far as location of a sign on
2 property, don't touch it.

3 Q. Saying two things, nothing else. I want to make
4 sure I'm not missing anything.

5 A. No, that's it.

6 Q. Were those two policies verbal, in writing or
7 both?

8 A. Verbal.

9 Q. He has been with you about a year, I believe you
10 testified, Mr. Murphy?

11 A. Mm-hmm.

12 Q. When was he provided that guidance from you?

13 A. When he first came on board.

14 Q. Have there been subsequent discussions regarding
15 those same verbal policies?

16 A. Yes.

17 Q. When was the most recent you can recall?

18 A. At least two weeks ago.

19 Q. What prompted that discussion?

20 A. Basically in regards to a sign that was placed on
21 somebody's property, was not a political sign, it was
22 another sign. It was a real estate sign.

23 (Discussion off the record.)

24 BY MR. TUCKER



1 Q. So the most recent time you had a discussion with
2 Mr. Onizuk -- Mr. Onizuk -- I apologize on that last
3 name -- was about two weeks ago about those policies, and
4 that was in regards to a real estate sign, correct?

5 A. Mm-hmm.

6 Q. You mentioned not to take signs off of private
7 property as one of the limitations, correct?

8 A. That's correct.

9 Q. How does a code enforcement officer in the City
10 of Rehoboth know what is private property and what is
11 public property?

12 A. Well, basically, it is pretty clear in the City
13 of Rehoboth as where the front property lines are. It is
14 usually behind the utility pole line, or at the
15 fenceline. No property -- no structures of any kind are
16 allowed to go beyond the front property line in the City
17 of Rehoboth.

18 Most of the properties have markers on the
19 corner lots. Utility poles are not on private property.
20 Most of the properties, it is pretty obvious where the
21 front property lines are and where they run. Most of the
22 times, we can go to a file and pull a survey out of a
23 property file. Every property in the City of Rehoboth
24 Beach has a file. And if there has been a building



1 permit issued at any given time in the history of that
2 property, normally there is a survey in the file that we
3 can refer back to.

4 But most of the time you can look at the
5 curb line, the sidewalk. Most of the properties are
6 behind a sidewalk.

7 Q. Is there any official document that the City has
8 in its possession that it utilizes to determine the exact
9 location of private property lines?

10 A. A City document?

11 Q. Yes.

12 A. Other than what the surveys say?

13 Q. Yes.

14 A. Not that I'm totally aware of. I mean, unless,
15 except for the one where, the ordinance that the sidewalk
16 and the curb are the property -- are the public, part of
17 the public right-of-way.

18 Q. Is that in your present zoning code?

19 A. I believe it is.

20 Q. Can you point me to that?

21 A. Do we have a copy of the zoning code?

22 Q. Let's see here.

23 (Discussion off the record.)

24 MR. TUCKER: If we can go back on the record now.



1 MR. SPEAKMAN: Sorry, you are the one that
2 asked about it.

3 MR. TUCKER: I was asking whether there was
4 an extra page or not.

5 MR. SPEAKMAN: There isn't any. It looks
6 like that's what he is saying. This is yours, right?

7 MR. TUCKER: Yes. Yes.

8 BY MR. TUCKER:

9 Q. Back on the record, please. Mr. Murphy, you are
10 referring to something in the zoning code about sidewalks
11 and them being I think in the public right-of-way. I
12 handed you some documents regarding the City's code that
13 were provided to me by the City. Do those documents
14 reflect what you were referring to?

15 A. Exhibit A.

16 Q. Explain what Exhibit A --

17 A. Exhibit A shows the property line, approximately
18 to the backside of the concrete sidewalks, with a grass
19 area between the sidewalk and the backside of the curb
20 line.

21 Q. And is it your position that the City code
22 defines that area as public right-of-way?

23 A. That's correct.

24 Q. Could you show me that specific language?



1 A. Well --

2 MR. SPEAKMAN: Do you have a code book?

3 THE WITNESS: I don't have a code book.

4 This is partial.

5 MR. TUCKER: That's what was provided to me
6 this morning.

7 MR. SPEAKMAN: That was attached to the
8 police report. That was an exhibit to the police report.

9 THE WITNESS: The code book is approximately
10 four inches thick, I mean, and I can't give you something
11 I don't have in front of me. Then I won't go from memory
12 what the code says. That's policy I have that I have
13 never...

14 BY MR. TUCKER:

15 Q. Let's do it this way. This is Schedule A?

16 MR. SPEAKMAN: Right.

17 Q. Mr. Murphy, I'm going to let you read through
18 Schedule A, which is something I had hoped that the City
19 would have been able to go over with you before today but
20 I understand we are on a tight schedule. Could you
21 please take a look through Exhibit A, read through those
22 questions, please. And if you could note which ones that
23 you have knowledge about that you can testify to today.
24 When you get to one, maybe you can just stop and we will



1 start there.

2 A. Well, number 3.

3 Q. Okay. Let me read number 3 into the record and
4 I'll hand it back to you. "The title and section number
5 of any federal, state, county or city ordinance, code,
6 statute or regulations including, without limitation,
7 City Ordinance 74-16, which the City contends authorizes
8 it to remove signs, posters or advertisements from public
9 property or rights of ways within the City limits."

10 What are those?

11 A. What are what?

12 Q. What are those ordinances, regulations, etcetera?

13 A. I don't understand your question, what you are
14 asking as far as what the --

15 Q. Well, I'm looking for the answer to number 3.

16 A. Oh, you want the answer for number 3?

17 Q. Yes, sir.

18 A. It is to remove signs, posters, advertisement
19 from public property or rights-of-way within the City
20 limits.

21 Q. Let me see that for a second. We are not
22 communicating. It is not your fault, it is a long day.

23 The question requests the title and section
24 number of any federal, etcetera. So I'm asking you for



1 the title and section numbers. One of the things that we
2 asked the City to produce was information or people with
3 knowledge regarding what these sections are. So that's
4 what I'm trying to learn from you today.

5 A. Okay.

6 Q. I don't have the code here, but that's what we
7 are trying to find out from the City; it is your code.
8 Can you answer that question number 3 for us?

9 A. Well, number 3 is the City Ordinance 74-16.

10 Q. Anything else?

11 A. I'm sure there is other things in this section
12 here, in this sheet that you have handed me, probably
13 does.

14 Q. Just in terms of number 3 right now.

15 A. Number 3?

16 Q. Yes. Anything else besides 74-16 that you can
17 provide me?

18 A. That's the City Ordinance for signs, 74-16,
19 regarding the removal of signs, posters or advertisements
20 from public property or rights-of-way within the City
21 limits.

22 Q. Again, just so the record is clear, any other
23 ordinance section that is related to the sign code
24 defining private rights-of-way, public rights-of-way,



1 private property lines, anything else?

2 A. Not without having the code book in front of me
3 so I can basically say what other codes are. I can't do
4 that totally from memory.

5 MR. TUCKER: Maybe we can go off the record
6 for a second.

7 (Discussion off the record.)

8 BY MR. TUCKER:

9 Q. Let's go back on the record. Mr. Murphy, what
10 I'm trying to get at, just so we are all on the same
11 page, is what provisions under City law that you rely on
12 to determine where private property ends and where public
13 property begins. Can you tell us any and all things that
14 you rely upon to make that determination?

15 A. Yes. When a property owner brings in a copy of
16 the survey, shows exactly where their front property line
17 is, showing the points of corner markers, I would say 90
18 percent of the surveys that are produced in my office
19 show the sidewalks going across and shows the property
20 line point marks behind the sidewalk.

21 Q. Okay.

22 A. And that's pretty much how we designate where the
23 property line ends and the right-of-way begins.

24 Q. Anything else other than those surveys that are



1 brought in by property owners from time to time?

2 A. Sometimes it could be a copy of the deed.

3 Q. Anything else?

4 A. That's pretty much it.

5 Q. Now, before you remove a sign from a property,
6 whether it maybe be public property or private property,
7 do you consult with the plot plan that may be on file
8 and/or the deed that may be on file?

9 A. Not all the time. Maybe if we have a doubt as
10 far as where the sign is located or any structure,
11 whether it be a sign or a fence, we will refer back to a
12 site plan, or survey plan as they are called, to make
13 sure where the location is. Most survey signs will show
14 locations of utility poles, right-of-ways; again,
15 sidewalks, curbs, driveways, and the points, corner
16 markers, showing the front property line adjacent to the
17 right-of-way.

18 Q. So unless there is some question in the
19 inspector's mind about whether a sign is on private
20 property or on public right-of-way, you don't consult the
21 deed that you may have on file or the plot plan that you
22 may have on file; is that a fair statement?

23 A. Not all the time. Most of the time it is pretty
24 clear where the property line is on majority of the



1 properties in the City of Rehoboth Beach.

2 Again, if we have a question as far as where
3 something is, we will try to research and find out where
4 it is at. If we can't, then we won't touch -- we won't
5 touch the sign or we will contact the property owner to
6 give clarification of the property.

7 Q. I'm going to show you what is marked as
8 Exhibit 2-A, which is attached to Plaintiffs' Memorandum
9 in Support of Motion For Temporary Restraining Order.
10 I'm going to show you this picture. Have you ever seen
11 that picture before, Mr. Murphy?

12 A. No.

13 Q. Looking at that picture, can you tell us where
14 private property ends and public right-of-way begins?

15 A. Not by that picture. If I was out there on the
16 site personally I might be able to. But not by a
17 picture.

18 Q. Okay.

19 A. I mean I'm not sure if there is a pole farther
20 down the street or a pole to the left on this property or
21 behind the subject who took the picture.

22 If there is not, then that sign wouldn't be
23 touched. None of those signs would be touched because it
24 could be too questionable as to where those signs are



1 located.

2 Sometimes if we do have a question like
3 that, it may not be where we would go back and research
4 where those signs are, because they are so questionable.
5 Again, we may go back to the file for this property and
6 there may not be a survey in there. If there is not a
7 survey, then sometimes I can't make a determination so
8 they are left alone.

9 Q. Is there some place in your zoning code or your
10 municipal code generally that says that utility poles
11 indicate or designate lines between private property and
12 public rights-of-way?

13 A. I don't think so. Not in this code. I mean it
14 is almost like an industry standard that utility poles
15 aren't on private property. Very rare do I ever know
16 that utility poles are placed on private property. But
17 for majority of my experience is that the property lines
18 are behind the pole line or utility line.

19 Q. Are you ever aware of a situation where a utility
20 pole was not necessarily on the edge of the public
21 right-of-way but in the middle of it?

22 A. There has been times when utility poles have been
23 approximately ten feet back from the edge of the road, or
24 more.



1 Q. Right.

2 A. But I know that most of the time that utility
3 companies have a designated right-of-way where they are
4 supposed to place their poles. Having worked around
5 utility companies, they pretty much stick to the utility
6 right-of-ways and not put them on private property. Only
7 in rare cases will probably a pole be placed on private
8 property.

9 Q. Probably an error?

10 A. Possible.

11 Q. So if I --

12 A. Or location could be a problem.

13 Q. So if I'm running for office, hypothetically,
14 which I'm not --

15 MR. SPEAKMAN: Excuse me. Let me interrupt.
16 What was the number of that exhibit.

17 MR. TUCKER: That was 2-A.

18 BY MR. TUCKER:

19 Q. If I was running for office, Mr. Murphy, and I
20 put a sign up behind a utility pole, and that utility
21 pole was in the center of the public right-of-way, not on
22 the edge of the public right-of-way, I can have a sign in
23 the public right-of-way but you wouldn't remove it,
24 correct?



1 A. I wouldn't take it out from behind the utility
2 pole. And my officer has been instructed not to remove
3 signs behind utility lines. That is a grace period
4 that -- area that we have given because, again, some of
5 these pole lines are right at the front edge of property
6 lines, and I'm not going to try and a lot of times decide
7 what is right and what is wrong, location. There is
8 flexibility that you can give on some of these sign
9 locations, but if they are justifiably between the pole
10 line and the edge of the street, then they will be
11 removed.

12 Q. Now, in the exhibit that I just showed you,
13 again, 2-A from the memorandum, if I was a candidate and
14 I put my signs where those signs are depicted, where
15 there is no sidewalk, and there is no utility pole at
16 least that anybody can see on this picture, those signs
17 wouldn't be removed, correct?

18 A. We have not removed those signs.

19 Q. Okay. And have you personally seen those signs?

20 A. No, I haven't seen those signs.

21 Q. Well you said --

22 A. But if I was going to go around and remove the
23 signs, we wouldn't remove them. I wouldn't, and I know
24 my officer probably wouldn't remove them because it is



1 questionable as far as location.

2 Q. How many feet would you say those signs are from
3 the road?

4 A. The "Barbour" sign is probably about three feet
5 from the edge of the one street and probably maybe four
6 feet back from the other edge of the street, maybe. It
7 is questionable. It is hard to tell by that. I would
8 say three or four feet from the edge.

9 Q. Are you familiar with the City's zoning map?

10 A. Yes.

11 Q. I'm going to show you what has been marked as
12 Plaintiffs' Exhibit 7, which is in the top right-hand
13 corner identified as "Zoning Map of the City of Rehoboth
14 Beach," and there is a legend on here as well.

15 Mr. Murphy, do you rely on this map at all for
16 determining right-of-way or private property or public
17 property?

18 A. Well, I would rely on this map for open space
19 City property, as far as the Lake Gerar area and some of
20 the park areas. But this is a zoning map, and you
21 couldn't use this map exactly for location of property
22 lines. This is just a zoning map. It is not a lot map.

23 Q. Is this the City's official zoning map?

24 A. This is the zoning map of -- that was adopted in



1 1991.

2 Q. According to the document?

3 A. According to the document.

4 Q. And is there a legend on this official map that
5 gives an indication as to how one can determine
6 right-of-ways?

7 A. On this map?

8 Q. Yes, on the legend.

9 A. No, I mean just by what the open space -- the
10 O-1, open space area shows as City property. However,
11 this is not a map that should be used for right-of-ways.
12 It just shows the street locations.

13 Q. Is there another map that I can buy from the City
14 that shows right-of-ways?

15 A. I don't think any map really designates
16 right-of-ways. This map is going to reflect what any
17 other map that we have in our office.

18 Q. Is there a legend on this map that I've got in
19 front of you, which is Plaintiffs' 7, that gives a
20 reference to street right-of-way line?

21 A. It does give the street right-of-way line. I
22 don't know where that line is.

23 Q. Looking at that official City map that has a
24 designation for right-of-way, can you tell me where on



1 this map there is any right-of-way located?

2 A. I don't see it.

3 No, I don't see anything.

4 Q. Thanks, Mr. Murphy.

5 A. Again, I wouldn't rely on that map.

6 Q. You wouldn't rely on an official City map?

7 A. Not on that map. It is official City map as far
8 as zoning, but it is not, it is not a map that I would
9 utilize for determining edges of the right-of-ways. Now
10 it shows the lot boundaries, but -- and shows the
11 streets, but there is no width dimensions on those maps
12 as far as the street widths, and none on the property
13 lines that shows what the sizes of the property lines
14 are. Only a scale of what it says as far as one inch
15 equals 200 feet.

16 Q. Now, the legend that we have been referring to
17 designates the zoning categories for the City, correct?

18 A. That's correct.

19 Q. And in that same legend it gives a key for other
20 features, including street right-of-ways, correct?

21 A. That's correct.

22 Q. So your testimony is that you would rely on the
23 legend for the zoning designations but not for street
24 right-of-way lines?



1 A. Not by what they are showing here as far as the
2 line indication for street right-of-way is. Apparently
3 it was not shown on this map.

4 Q. There is no reference anywhere to that on the
5 map, correct?

6 A. Not showing this line with a dot and another
7 line, which defines street right-of-way line. It is not
8 on here. But it does show the different zoning
9 districts.

10 Q. If I went to the City and got this map, and
11 looked at it to find street right-of-way lines, is it
12 fair to say I couldn't find any?

13 A. No, you couldn't find any on this map.

14 Q. Okay.

15 A. And I wouldn't advise you to use any City map,
16 whether it be Rehoboth's or any other town map, a zoning
17 map for right-of-way. That is definitely designated by
18 surveys, or if they have a explicit map that shows
19 right-of-ways.

20 Q. If I was a member of the public and I came in and
21 asked how I would know where my right-of-way is or my
22 private property line in reference to my right-of-way,
23 what would you tell me?

24 A. Get a surveyor to come out and survey your



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1 property.

2 Q. So the burden would be put on the property owner
3 before he or she put a sign in --

4 A. That's correct.

5 Q. -- to make that determination?

6 A. That's correct.

7 Q. Otherwise --

8 A. That's what I would require in order for me to
9 give a permit for a sign.

10 Q. Do election signs have to be permitted?

11 A. No.

12 Q. So as I understand this, you feel the burden is
13 on the property owner to determine where their line is
14 before they put a sign in on an election?

15 A. I would hope that they would know where their
16 property is. If they built that property and they own
17 that property, I would hope they know where their
18 property line is and place the signs on that property.

19 Q. Why would the City send out an inspector to
20 remove a sign if they don't know for sure whether it is
21 on private property or public right-of-way?

22 A. We only remove a sign if we know right exactly
23 where the right-of-way is. And that's pretty much easy
24 to tell on most times, most parts. That's what I



1 explained to you before. We do allow a sign between pole
2 line and a front property line. That is a grace area.
3 Sometimes it is difficult to see a property line, but
4 most of the properties, it is pretty clear where the
5 front property line goes. If it is beyond the pole line
6 to the edge of the street or between the sidewalk and the
7 back of the curb, in the grass area, we will remove it.

8 Q. Well, can we agree that a utility pole, which is
9 one of the indicia you use to determine public
10 right-of-way, that that is not necessarily always going
11 to be on the edge of the right-of-way, that that could be
12 on the middle of the right way?

13 A. It could be in the middle of the right-of-way.

14 Q. And can we agree that if I wanted to pave a
15 sidewalk on my property, my private property, I could do
16 that if I lived in the City of Rehoboth Beach, correct?

17 A. You could put it on your property, that's
18 correct.

19 Q. So if the City is relying on sidewalk location
20 and utility pole location, then that's not a perfect
21 science to determine where private property stops and
22 right-of-way begins, is it?

23 A. That's why surveys are required. And even then
24 that's not even a perfect science, but it is 99 percent



1 close. Again, if a survey is submitted, then we know
2 where the location is, because we take the expertise of a
3 surveyor to give the locations of the front property
4 line.

5 If there is a problem and they are wrong,
6 then it has to be corrected.

7 Q. In this case, though, somebody's sign, election
8 sign is being removed by the City, but the City is not
9 itself obtaining a survey before it is removing it,
10 correct?

11 A. No.

12 Q. So if the City was wrong about removing a sign
13 that's on private property, the City would just be wrong,
14 but the property owner would have to show that through a
15 survey?

16 A. Well, I'm sure there was no intent of taking
17 something off somebody's private property. If they did,
18 it was maybe an error. But we try to make sure that
19 these signs are -- again, if a sign is questionable as
20 far as its location, we don't usually mess with them. We
21 usually try to figure out the location. If we can't find
22 the proper location, we don't have a survey, I'm not
23 going to make somebody go out and get a survey for a
24 political sign.



1 If in doubt, then we will basically say the
2 sign stays. And that's in all fairness to the property
3 owner and to the City, and to my officers.

4 Q. Do you recall preparing a report dated July 15th,
5 '05, Plaintiffs' 6? I'm going to show you that and see
6 if you recognize it.

7 A. Yes, that's my report.

8 Q. And was that report generated on activities that
9 occurred on that day, or is that a report summarizing
10 events that have transpired in the --

11 A. No, this is a report that happened on July 15th.

12 Q. Okay. And on that day did you go out looking to
13 remove signs that may be in violation of City law?

14 A. We went out on the -- to look for signs that were
15 in the right-of-way.

16 Q. Any particular types of signs that were in the
17 right-of-way?

18 A. There was political signs that we found at that
19 time, various candidates' signs were removed from
20 right-of-ways beyond the pole line, on the street side of
21 the pole line, I should say, that were removed.

22 Q. Was your purpose in going out specifically to
23 look for political signs in the right-of-way?

24 A. No.



1 Q. Let me see that again.

2 Can you read the second paragraph of your
3 report and tell me if you stand by that statement?

4 A. Yes, we went out and got some signs, political
5 signs.

6 Q. Does paragraph 2 indicate that your purpose in
7 going out was to look for political signs in the
8 right-of-way?

9 A. Well, we also did that. We also found some other
10 signs.

11 Q. I understand, but in terms of the report --

12 A. Yes, I will say yes to paragraph 2, yes, for
13 political signs.

14 Q. That was your purpose in going out at that point?

15 A. Political signs, not just a person's signs. I
16 want to make that clear.

17 Q. I didn't suggest otherwise.

18 How many signs of Mayor Cooper's have been
19 removed by the City in July?

20 MR. SPEAKMAN: Here.

21 MR. TUCKER: Just for the record, the
22 witness is I guess referring to another copy of
23 Plaintiffs' 6 to refresh his recollection; is that fair?

24 MR. SPEAKMAN: Right.



1 THE WITNESS: Three.

2 Q. When were those removed?

3 A. One was removed on the 15th, and two were removed
4 pre the 15th.

5 Q. Do you know the dates?

6 A. Of July. No, I do not.

7 Q. Why were those removed?

8 A. They were in the right-of-way. They were beyond
9 the sidewalk, between the curb, sidewalk and also beyond
10 the pole line.

11 Q. Do you know if they were removed after July 9th
12 or before July 9th, those other two?

13 A. I'm not sure. I don't remember. I really don't
14 remember those dates.

15 Q. Do you recall any conversations with Mr. Onizuk
16 regarding sign code enforcement in July, early July?

17 A. Well, we have talked about sign codes. We talk
18 about the sign code all the time.

19 Q. Did you have any --

20 A. I mean, because there is always other signs that
21 are in violation throughout the City.

22 Q. I'm focusing you on July, though.

23 A. In July?

24 Q. In July, particularly on July 7th, did you have



1 any discussion with Mr. Onizuk regarding sign removal in
2 the City on July 7th, that you recall?

3 A. I may have. I may have. I don't have anything
4 in writing that reflects that I did or didn't.

5 Q. I'm trying to --

6 A. I'm just trying to remember from memory.

7 Q. I understand. I appreciate that. I know it has
8 been a little while.

9 A. It has been awhile.

10 Q. Let me try to help refresh your memory on that,
11 perhaps.

12 A. I can say no, I don't remember. I really don't.

13 Q. Do you recall any time in July when Mr. Onizuk
14 came to you and told you he had removed a host of
15 political signs around July 7th?

16 MR. SPEAKMAN: For the record, you are
17 referring to his report?

18 MR. TUCKER: No, I'm referring to any
19 discussions he had with Mr. Onizuk about signs Mr. Onizuk
20 removed around July 7th. It may be in his report. I'm
21 not sure.

22 MR. SPEAKMAN: It is, on page 2.

23 THE WITNESS: That was the one where he was
24 advised by subject that there was a political sign placed



1 on his private property which he did not want on his
2 property. And I had -- was advised by the police
3 department that, to tell my officers that we were not to
4 remove any signs off private property. If somebody found
5 one on their private property and did not want it there,
6 that we were supposed to call the police department and
7 turn it over to them, and they would approach it as found
8 property, like a bicycle been abandoned on their
9 property, of that nature, or any other article that they
10 did not want on the property.

11 Again, because that's private property.

12 BY MR. TUCKER:

13 Q. Who was it at the police department that informed
14 you of that?

15 A. Detective Scott O'Bier.

16 Q. Did he call you and inform you of that? How did
17 that conversation come about?

18 A. Apparently he had spoken to Mr. Onizuk about a
19 situation, about sign removals, and I guess he explained
20 that to Mr. Onizuk, that -- and then he relayed that
21 information on to me, I guess to make sure that I
22 understood to tell Mr. Onizuk not to take anything off
23 private property.

24 It has always been a policy that I've told



1 my officers, not to remove anything off private property.

2 Q. Did you direct Mr. Onizuk to remove all signs in
3 the City that were in the right-of-way or public property
4 shortly thereafter?

5 A. Yes, I did.

6 Q. Do you recall if that was July 7th or maybe
7 somewhere around that time?

8 A. It might have been around that time.

9 MR. SPEAKMAN: I got to ask for a recess.
10 I've got to call the City before 4:20.

11 (Recess taken.)

12 MR. TUCKER: Can you read the last question
13 and answer if you want.

14 (Record read.)

15 BY MR. TUCKER:

16 Q. Mr. Murphy, why don't we go back on the record,
17 unless you need some more context.

18 A. No, let's go.

19 Q. What I'm going to show you, Mr. Murphy, again I'm
20 referring to Plaintiffs' Memorandum in Support of Motion
21 For Temporary Restraining Order. I'm going to show you
22 some pictures that were attached to an affidavit prepared
23 by Mr. Joseph Hill, and I will state for the record
24 Mr. Hill in his affidavit indicates these pictures were



1 taken on July 18th and July 20th of this year.

2 Now, you have already seen Exhibit A,
3 Mr. Murphy, but I'm going to --

4 MR. SPEAKMAN: I would ask you to identify
5 the street address, too.

6 MR. TUCKER: I don't have the street
7 addresses, Mr. Speakman.

8 MR. SPEAKMAN: Yes, you do.

9 MR. TUCKER: They are actually in the
10 affidavit.

11 BY MR. TUCKER:

12 Q. Have you seen the affidavit of Mr. Hill?

13 A. Un-un.

14 MR. SPEAKMAN: Here. Go to 2.

15 BY MR. TUCKER:

16 Q. Within the affidavit, Mr. Murphy, on page 3 there
17 is a breakdown of the street addresses that go with the
18 pictures. If you start with A. Got it?

19 A. Yes. Page 3?

20 Q. Page 3 on the fax. Page 2 on the actual --

21 A. Oh, page 3. Page 2.

22 Q. Sorry about that. A, Samuel Cooper, Ronald
23 Paterson and Dennis Barbour campaign signs located at
24 intersection of State Road and Lee Street, Exhibit A. I



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1 guess the black and whites will work for you, I think?

2 A. Yes, they will work.

3 Q. You testified earlier, I believe, that these
4 signs weren't removed because they may have been
5 questionable?

6 A. I haven't been advised that they were removed.

7 Q. Would these signs be removed today if you saw
8 them?

9 A. I can't answer that because -- like I said, by
10 the picture, no, if I was out on site, if I knew where
11 the pole line was or any kind of marker, maybe. But if
12 they were too close to call, probably not.

13 Q. In such instances would you recommend to your
14 official that they check for a plot plan?

15 A. It is possible.

16 Q. How about a deed?

17 A. Deed is not going to really show me a whole lot.
18 I would rather go by the survey.

19 Q. By the plot plan?

20 A. Mm-hmm, yes.

21 Q. Are you aware that there was a plot plan
22 apparently pulled for Mr. --

23 MR. SPEAKMAN: Here, if that's what you are
24 going to refer to.



1 Q. Let me get the exhibit.

2 (Discussion off the record.)

3 Q. Defendants' Exhibit 2, Deposition Exhibit 2 I'm
4 going to put you in front of you. Are you aware that
5 plot plan was pulled for one of Mr. Manlove's -- I'm
6 sorry, Sokolove's properties?

7 A. I wasn't aware of this, but I am now.

8 Q. Okay.

9 A. Clearly shows his property line. It clearly
10 shows the sidewalk. And it shows his landscaping areas
11 behind the property line.

12 Q. I'll get to the specifics of that.

13 A. Mm-hmm.

14 Q. Any idea why a plot plan was pulled for
15 Mr. Sokolove's property where his signs may have been
16 located but not for the property that's identified as
17 Attachment A?

18 A. I don't know who pulled this.

19 Q. So you have no knowledge of that?

20 A. No, I don't know who pulled this.

21 Q. Let me flip to Exhibit B, and I'll just lay this
22 in front of you. Exhibit B to the affidavit, that is
23 Exhibit 2, and I'll ask you to take a look at those signs
24 and tell us if they are signs that you would remove today



1 if you saw them?

2 A. Again, by this picture, I don't know where the
3 pole line is. I don't know where the property -- it
4 looks to be that the property line -- I don't know. It
5 is questionable. And I probably would not pull these
6 signs, unless, unless I actually saw, like I said, a pole
7 line. It clearly looks like one of them is closer to the
8 property, to the street edge than the other two. The
9 Dennis Barbour, I guess that's how you say it, Barbour,
10 sign, it looks closer to the edge. Again, without being
11 at the site, seeing some kind of landmark, pole line or
12 property marker, fenceline, then I could establish more
13 of a clearer, definitive answer.

14 If, again, if there is nothing there, it
15 would be probably that they would not be removed. This
16 one probably would have to go back and try to find a
17 survey to give me a general idea exactly where the
18 property line would be on this one.

19 Q. Do you see in the foreground -- I'll point you to
20 it, I'll show you my color copy here too -- these road
21 signs depicting, looks like state routes?

22 A. Yeah. If this is -- normally these signs are put
23 in a right-of-way. If they -- if there is a right-of-way
24 there, again, the property line may run right up to the



1 back of those. In this case, these signs, if that is the
2 back of the right-of-way and the property line is in that
3 vicinity, I probably wouldn't touch those signs.

4 Q. So from looking at this picture, you don't think
5 the Barbour sign --

6 A. It is a possibility the Barbour sign could be in
7 violation, mm-hmm.

8 Q. If that sign is in line with those road signs,
9 would that normally be pulled?

10 A. Yes. That sign would be pulled. I probably
11 would not have a problem removing the Barbour sign.

12 Q. I'm going to refer you to Exhibit D, which is the
13 next picture in order there?

14 A. D?

15 Q. Yes. I'm sorry, it is C. I apologize.

16 A. C.

17 Q. I ask you to take a look at those signs and ask
18 you if you would remove those signs under the sign code?

19 A. No.

20 MR. SPEAKMAN: I'm going to object to every
21 question you ask him whether he would remove them under
22 the sign code. Since he clearly has told you that he
23 can't determine, without being -- looking at each site
24 from a photograph what should be done.



1 MR. TUCKER: Well, first of all, I don't
2 think he has said that. I think he has said that
3 depending on what he sees in the picture, he may or may
4 not be able to determine. But if he can't determine it
5 from looking at the picture, Mr. Speakman, he can state
6 that on the record.

7 THE WITNESS: With this sign, these signs
8 here, they are behind the pole line, it looks to be that
9 the curb is right there adjacent to the pole line, I
10 wouldn't bother those signs.

11 Again, I don't know how far back their
12 property line is. It could be right to the back of the
13 pole there, the way they have got all their plantings and
14 their hedgerows, and then looks like that would be a
15 security sign sitting there in the hostas.

16 Again, I wouldn't pull those. If they were
17 any other signs of that nature, political, I wouldn't
18 pull those signs.

19 BY MR. TUCKER:

20 Q. And is there some policy about not removing signs
21 if they are within landscaping?

22 A. Again, if they are in landscaping and it is
23 not -- in the City some people tend to run their
24 landscaping beyond the pole line. I will remove that.



1 If it is on the street side of the pole line, I will
2 remove it. But if it is back in somebody's hedge line or
3 planting lines, I normally won't touch them.

4 Q. If the utility pole that you see sort of towards
5 the center of the picture, the only utility pole you see
6 in the picture, is sitting at the center of the
7 right-of-way and not at the back of the right-of-way, if
8 you will, is it possible that these signs are in the
9 public right-of-way?

10 A. If this pole was back on the other side of those
11 signs?

12 Q. No. If the pole was positioned in the center of
13 the right-of-way as opposed to the very rear of the
14 right-of-way, is it possible that these signs could be
15 located in the right-of-way and you just wouldn't know
16 it?

17 A. If the pole is there, and these signs are on the
18 other -- are on the street side of the pole, I would
19 remove them.

20 Again --

21 Q. Let me restate the question. Maybe I'm not being
22 clear. You are assuming that pole sits on the very back
23 side of the public right-of-way, correct?

24 A. I may be assuming that, but I'm not perfectly



1 sure that that is where the back of the utility
2 right-of-way is.

3 Q. Right.

4 A. Again, utility right-of-ways vary in all areas of
5 any township or city.

6 Q. I agree.

7 A. This one could have a right-of-way from the edge
8 of the curb, maybe 3, 4, 5 feet back.

9 Q. Maybe even 10 feet, perhaps?

10 A. It could be 10 feet.

11 Q. If that were the case, hypothetically, I'm not
12 saying it is, but if actually the right-of-way there went
13 back 10 feet from the curb, those signs would be in
14 public right-of-way, probably, wouldn't they?

15 A. Yeah, they would be -- they would be in the
16 right-of-way, if that's, that's where it was. Again,
17 anything on the street side of the poles we are not
18 touching.

19 MR. SPEAKMAN: I'm going to object to the
20 form of the question because it presents a hypothetical
21 with no facts offered to back it up.

22 MR. TUCKER: Well, I think we have an
23 answer, but the facts to back it up were assuming the
24 right-of-way went back 10 feet.



1 THE WITNESS: Don't know. Don't know if it
2 is there.

3 MR. TUCKER: That's the hypothetical. That
4 was the fact to be assumed.

5 MR. SPEAKMAN: Okay.

6 BY MR. TUCKER:

7 Q. All right. Let's go to Exhibit E. I would ask
8 you to look at that sign and tell us, in the picture if
9 you can determine whether or not that's in the public
10 right-of-way or not.

11 I apologize, I did it again. Exhibit D, as
12 in dog. I'm getting a little ahead of myself.

13 A. D?

14 Q. Yes.

15 A. It looks to be -- I'm not sure if that's a
16 telephone pole in the upper right-hand corner of the
17 picture. If that is a pole, again, that sign wouldn't be
18 in violation. It is possible it wouldn't. It would be
19 behind the pole line. And again, I'm not sure how close
20 the property line runs to the backside of that pole.
21 That sign would be questionable.

22 Q. Okay. When you say it wouldn't be in violation
23 if it is on the backside of that pole, you are assuming,
24 again, aren't you, that that pole sits on the very back



1 of the right-of-way?

2 A. Well, I'm not assuming that it is in the back of
3 the utility -- the right-of-way. Sometimes they don't
4 use the full right-of-way.

5 Q. Right.

6 A. They use whatever is the best way to place a
7 pole.

8 Q. Right.

9 A. There are certain criterias for placing the
10 poles, as far as distance apart, height, if they have a
11 cross-over pole, going across the street, sometimes they
12 try to get the poles to the very front of the
13 right-of-way. If there is ample room without tearing up
14 somebody's bushes that they have planted in the
15 right-of-way, they try not to destroy that vegetation,
16 and also try to put the poles in the easiest place for
17 them to put the pole and maintain the pole.

18 Q. That makes sense to me, Mr. Murphy.

19 A. Yes.

20 Q. What I'm trying to focus on a little bit more,
21 though, I believe you testified that that sign would not
22 be in violation of the sign code because it is behind the
23 telephone --

24 A. Well, it wouldn't be -- I'm not saying it is



1 in -- it wouldn't be in violation of the sign code. I'm
2 just saying that I am utilizing the pole as a line of
3 delineation as far as, it may be in the right-of-way.

4 Q. Right.

5 A. But it is not a hindrance. It is not a problem.
6 It is an area, a grace area that we are allowing to be,
7 in all fairness, to allow somebody to put a sign out
8 close to the roadway.

9 Again, sometimes it is very hard to decide
10 exactly where the property line and the back of the
11 right-of-way meet. And then most times it is very easy
12 to see where it is.

13 Again, this one is questionable if I would
14 remove -- to remove it. Is it in the right-of-way? It
15 is possible. Is it on their private property? It is
16 possible. But to me it is questionable and I probably
17 would not remove that sign.

18 Q. Would you take any effort to pull a plot plan to
19 see if there had been any recent survey filed with the
20 City like is --

21 A. For this one here?

22 Q. -- like depicted on Defendants' 2?

23 A. Probably not. Probably not.

24 Q. All right. Let's jump ahead to, now we are on E.



1 A. E.

2 Q. See if I can get it right this time. Same
3 question, if you can tell from this picture --

4 A. Well, I'm assuming that to the right of the "Ron
5 Paterson" sign is a corner marker, and from that corner
6 marker to the edge of the street, both those signs would
7 be in violation.

8 And again, I don't know if there is a pole
9 line on that side of the street.

10 MR. SPEAKMAN: Can you show him the color
11 photograph?

12 MR. TUCKER: Oh, sure.

13 THE WITNESS: Well, let me see something
14 here.

15 I don't believe there is any pole line on
16 this side of the street. This is --

17 MR. SPEAKMAN: What is the address?

18 THE WITNESS: This is the corner of Bay Road
19 and State Road. Bay Road coming into State Road right
20 here. And I know this property, it is Mr. Finelli's
21 property, I believe it is Mr. Finelli's property. That
22 may be a corner marker there. So those signs are in the
23 right-of-way. They would probably be removed. Yes.
24 They would probably be removed. If they haven't been



1 removed already. I'm not sure if they are still there.

2 BY MR. TUCKER:

3 Q. If you ran into a conflict between a pole, a
4 utility pole and a marker such as that, which one would
5 you yourself rely on?

6 A. If there was a pole in the vicinity of that
7 marker?

8 Q. Yes, sir.

9 A. If one was out beyond the pole I would remove it.
10 If one was behind the pole I wouldn't remove it.

11 Q. So you would rely on the utility pole overtop of
12 the marker?

13 A. Yes, I would. In fairness.

14 Q. That's a fair answer.

15 A. In fairness.

16 Q. That's a fair answer. I'm just trying to
17 understand the process that you use.

18 A. Yes.

19 Q. Now, going on to E, as in -- I'm sorry, F, as in
20 Frank, same question, if you can tell from looking at
21 that --

22 A. I wouldn't touch those.

23 Q. Why not?

24 A. Well, you can see where there is a landscape



1 timber running across there. And that's probably the
2 property line, where that landscape timber is. I'm
3 assuming that's where it is. But I will give -- again, I
4 would allow -- I would not remove those signs. They are
5 just too close to decide.

6 Q. In your experience with the City and with the
7 City of Milford, I think you said prior, have you seen
8 instances when folks do extend their landscaping into
9 public right-of-way?

10 A. Oh, absolutely. Absolutely.

11 Q. So can we agree that there is no guarantee that
12 simply because there is a landscaping --

13 A. That landscaping timber may be four or five feet
14 out beyond their property line. It is something that
15 happens in every town. Everybody tries to push the
16 envelope with their property. Especially when there is a
17 situation like this with the street edge and grass, they
18 always try to take more than what they deserve.

19 Again, I would say that I wouldn't touch
20 these signs, unless, unless there was a pole line that so
21 showed that they were well beyond the utility pole line,
22 then I would probably remove them. But without seeing
23 exactly where these were located in regards, relationship
24 to a pole line, without a pole I would leave them.



1 Q. Okay. Going on to G, have you ever seen that
2 before?

3 A. Oh, every morning.

4 Q. I'll show you a color one of that.

5 A. I know what that one looks like.

6 Q. Can you tell us what Exhibit G is reflecting?

7 A. It looks like the welcome to the Rehoboth, City
8 of Rehoboth Convention Center sign out in the middle of
9 the streetscape island.

10 Q. It appears that "Oklahoma" was playing July 19th
11 at 8:00 p.m., correct?

12 A. Yes.

13 Q. Is that a City event or a private person event?

14 A. I don't know. I don't get involved in what they
15 play at the Convention Center. It could be anybody's.

16 Q. Can we agree that that is in the right-of-way?

17 A. Yes, it is probably -- yes, it is definitely in
18 the right-of-way. Am I going to take that sign down, no.

19 Q. Is that because sign code exempts public signs?

20 A. I don't think it says or exempts a City sign. I
21 think -- I don't know. I would have to refer to my
22 esteemed lawyer. I don't know. I don't know. I don't
23 know of any town that basically has it written where
24 their own signs, you know, are exempt or not exempt. In



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